

HOUSE BILL 3113
By Brown

AN ACT to amend Tennessee Code Annotated, Section 40-1-111,
relative to judicial commissioners.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-1-111, is amended by deleting the
section in its entirety, and by substituting instead the following language:

(a)

(1) The county legislative body of any county may initially appoint one (1)
or more judicial commissioners whose duty or duties shall include, but not be
limited to, the following:

(A) Issuance of search warrants and felony arrest warrants upon a
finding of probable cause and pursuant to requests from on-duty law
enforcement officers and in accordance with the procedures outlined in
chapters 5 and 6 of this title;

(B) Issuance of mittimus following compliance with the procedures
prescribed by § 40-5-103;

(C) The appointing of attorneys for indigent defendants in
accordance with applicable law and guidelines established by the
presiding general sessions judge of the county;

(D) The setting and approving of bonds and the release on
recognizance of defendants in accordance with the procedures outlined in
chapters 5 and 6 of this title; and

(E) Issuance of injunctions and other appropriate orders as
designated by the general sessions judges in cases of alleged domestic
violence.

(2) The term or terms of the officers shall initially be established by the county legislative body but shall not exceed a four-year term. No member of the county legislative body of any such county shall be eligible for appointment as a judicial commissioner. The presiding general sessions criminal judge of the county may appoint a temporary, or part-time, judicial commissioner to serve at the pleasure of the presiding judge in case of absence, emergency or other need. The county legislative body of such county, in appointing, evaluating and making decisions relative to retention and reappointment, shall take into consideration views, comments and suggestions of the judges of the courts in which the judicial commissioners are appointed to serve.

(b) The term or terms of the officers shall thereafter be established by the general sessions criminal court judges of a county but shall not exceed a four-year term. No member of the county legislative body of such county shall be eligible for appointment as a judicial commissioner. The general sessions judges of the county in appointing, evaluating and making decisions relative to retention and reappointment shall take into consideration views, comments and suggestions of the judges of the courts in which the judicial commissioners are appointed to serve.

(c) To be eligible for appointment and service as a judicial commissioner a person must be licensed to practice law in the state of Tennessee.

(d) Any county which appoints and makes use of judicial commissioners shall maintain records sufficient to allow an annual determination of whether the use of judicial commissioners is accomplishing the purposes intended.

(e) On an annual basis the county legislative body shall conduct a public hearing to examine and evaluate the program of judicial commissioners and to determine if such program is being conducted in accordance with law and is contributing to the orderly, effective and fair administration of justice. As a part of the public hearing the county legislative body shall examine the effectiveness of the system of judicial commissioners and hear the opinions of the public concerning such system. The county legislative body shall give notice of such public hearing at least thirty (30) days prior to such meeting.

Following such hearing and not later than April 1 of each year, the county legislative body shall cause to be submitted to the judges of the general sessions criminal court of the county, the chair of the judiciary committee of the Tennessee state senate and the chair of the judiciary committee of the house of representatives a written report setting forth findings and the overall evaluation of the use of judicial commissioners.

(f) The judicial commissioner or commissioners shall be compensated from the general fund of the county in an amount to be determined by the chief legislative body. Fees established and authorized by § 8-21-401 shall be paid to the county general fund upon the services detailed in § 8-21-401 being performed by a judicial commissioner.

(g) The provisions of this section do not apply to any county having a metropolitan form of government.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.